

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 19884 of 2007(P)

OS.381/2005 of PRL.SUB COURT,IRINJALAKUDA
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PETITIONER:

SALIM,S/O.SUBAIR AGED 37,
KAITHAKARA PUTHENVEETIL,
PATHUKULANGARA DESOM,VELLIKKULANGARA VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

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1. VIJAYAKUMAR,S/O.KAKANATU KRISHNAN NAIR,
MURIKINGAL DESOM,VELLIKKULANGARA VILLAGE,
MUKUNDAPURAM TALUK.
 2. ESTAPANOS,S/O.KANNAMPUZHA PATHROSE,
VELLIKULANGARA VILLAGE,MUKUNDAPURAM TALUK.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M.N.KRISHNAN, J.

WP (C) No.19884 OF 2007 P

Dated this the 28th June, 2007.

JUDGMENT

This writ petition is filed seeking to set aside the order passed by the Principal Subordinate Judge, Irinjalakuda in I.A. 1435/2007. The plaintiff has instituted a suit for realisation of Rs.2,25,000/- from the defendants jointly and severally. The court, to start with, attached two items of properties. The first item belonged to the first defendant and the second item belonged to the second defendant. Thereafter the first defendant filed a security in the form of deposit of Rs.1,12,000/- and the attachment with respect to the second item continued. Now the grievance of the plaintiff is to the effect that being jointly and severally liable the first defendant is bound to furnish full security for the amount and that the value of the property for item No:2 shown by the court is not correct. I have perused the order of the learned Subordinate Judge. The learned Subordinate Judge had applied his mind and perused the encumbrance certificate and that the value of item 2 of the property in 1995 is Rs.99,000/- . There is no case for the plaintiff that the value of the property has come down.

So there is proper application of mind by the learned Judge. Therefore, he has accepted Rs.1,12,000/- plus retaining the attachment of item which will be sufficient security in case the plaintiff obtains a decree. There is nothing to interfere with the said decision and therefore this writ petition is dismissed.

M. N. KRISHNAN
Judge